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1 Education and Workforce Development Cabinet

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 703 KAR 5:200. Next-Generation Learners.

6 RELATES TO: KRS 158.6451, 158.6453, 158.6455, 158.860

7 STATUTORY AUTHORITY: KRS 158.6453; KRS 158.6455

8 NECESSITY, FUNCTION, AND CONFORMITY:

9 KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced  
10 statewide assessment program that measures the achievement of students, schools and districts,  
11 complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its  
12 successor, and ensures accountability. This administrative regulation establishes the assessment  
13 and accountability requirements for students.

14 Section 1. Definitions. (1) "Achievement" means student performance described with the student  
15 performance levels of novice, apprentice, proficient and distinguished on state-required content  
16 area tests.

17 (2) "College readiness" means the percentage of middle school students meeting [ACT  
18 established] benchmarks on the high school readiness test in grade eight (8) [EXPLORE] test  
19 that are linked statistically to the ACT test in reading, English or mathematics.

- 1 (3) "College- and career-readiness" means a readiness percentage calculated by dividing the  
2 number of high school graduates who have successfully met an indicator of readiness for college  
3 or career with the total number of graduates.
- 4 (4) "Full Academic Year" means 100 or more instructional days of enrollment within the school  
5 year.
- 6 (5) "Gap" means the percentage of students in the non-duplicated student gap group scoring  
7 proficient or distinguished on state-required content area tests and the reduction of students in the  
8 novice performance level in individual student gap groups in the state-required reading and  
9 mathematics tests.
- 10 (6) "Growth" means the percentage of students that show typical yearly growth in reading or  
11 mathematics using the student growth percentile and the individual movement of students in  
12 reading and mathematics from one performance level to a higher performance level.
- 13 (7) "Next-generation instructional programs and supports" means a component of the state-wide  
14 accountability system for Kentucky public schools and districts based on reviews of instructional  
15 programs.
- 16 (8) "Next-generation learners" means a component of the state-wide accountability system for  
17 Kentucky public schools and districts based on student data.
- 18 (9) "Next-generation professionals" means a component of the state-wide accountability system  
19 for Kentucky public schools and districts based on teacher and administrator data.
- 20 (10) "Next-generation schools and districts" means a component of the state-wide accountability  
21 system that reports performance data for schools and districts.

(11) "Student growth percentile" means each student's rate of change compared to other students with a similar test score history.

(12) "Typical yearly growth" means a student growth percentile at 40 or above.

Section 2. (1) Except as provided in subsections (2) or (3) of this section, Kentucky's accountability system to classify schools and districts shall consist of the following components:

(a) Next-generation learners, as established in this administrative regulation; and

(b) Next-generation instructional programs and support, as established in 703 KAR 5:230.

(2) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation schools and districts, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section; and

(b) The next generation schools and districts component.

(3) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation professionals, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section;

(b) The next-generation schools and district component, if the administrative regulation referenced in subsection (2) has become effective; and

(c) The next-generation-professionals component.

Section 3. Next-Generation Learners. (1) Data shall be reported for schools and districts in the following categories:

(a) Achievement;

- 1 (b) Gap;
- 2 (c) Individual student growth;
- 3 (d) Readiness for college or career; and
- 4 (e) Graduation rate.
- 5 (2) Data from individual student performance on state assessments administered as required in
- 6 KRS 158.6451 and KRS 158.6453 shall be included in the next-generation learners component.
- 7 This data shall include students with disabilities who participate in the alternate assessment
- 8 program.
- 9 (3) Data in reporting categories shall be attributed to grade level spans for schools and districts as
- 10 established in this subsection.
- 11 (a) Elementary schools shall receive data from achievement, gap, and individual student growth.
- 12 (b) Middle schools shall receive data from achievement, gap, individual student growth, and
- 13 readiness for college.
- 14 (c) High schools shall receive data from achievement, gap, individual student growth, readiness
- 15 for college or career, and graduation rate.
- 16 Section 4. Calculations for Reporting Categories. (1) Achievement shall be reported in next-
- 17 generation learners as established in this subsection.
- 18 (a) In elementary, middle, and high schools, for each content area of reading, mathematics,
- 19 science, social studies, and writing one (1) point for each percent of students scoring proficient
- 20 or distinguished shall be awarded. One-half (.5) point shall be awarded for each percent of
- 21 students scoring apprentice. Points shall not be awarded for novice students.
- 22 (b) A bonus for distinguished performance shall be calculated as required by this paragraph.

- 1 1. The bonus formula shall consider both the percent of students scoring at distinguished and at  
2 novice so that a bonus for distinguished student performance shall not overcompensate for  
3 novice student performance.
- 4 2. Each percent of students scoring distinguished shall receive an additional one-half (.5) point  
5 and each percent of students scoring novice shall receive a negative one-half (.5) point.
- 6 3. The value generated for novice shall be combined with the value generated for distinguished.
- 7 4. Except as provided in subparagraph 6. of this subsection, for schools and districts with a  
8 higher distinguished value, the difference between the two (2) values shall be added to the  
9 achievement calculation as a bonus for distinguished.
- 10 5. For schools and districts with a higher novice value, points shall not be added to the  
11 achievement calculation.
- 12 6. The distinguished bonus shall not allow the content area value for a school or district to  
13 exceed 100 percent.
- 14 (c) The following chart shall be used to calculate the points in accordance with paragraphs (a)  
15 and (b) of this subsection:

Proficiency Levels	Points Awarded for Each Percent of Students
Novice	0
Apprentice	.5
Proficient	1
Distinguished	1

Bonus for	.5 for each percentage
Distinguished (offset	of distinguished)
by Novice)	MINUS.5 for each
	percentage of novice)

- 1 (d)1. In accordance with KRS 158.860(7) and KRS 158.6453(5)(e), a district or school council
- 2 may determine that high school end-of-course examination results be used for a percentage of a
- 3 student's final grade in the course.
- 4 2. Beginning in the 2011-2012 academic year, end-of-course examinations shall be administered
- 5 in reading, mathematics, science, and social studies, in accordance with the vendors secured
- 6 through the state procurement process.
- 7 3. If the district or school council's policies do not include end-of-course examination grades in
- 8 the grading policy or if the end-of-course examination grade percentage is less than twenty (20)
- 9 percent, the district shall submit an annual report to the Commissioner of Education that provides
- 10 justification for not using end-of-course examinations for at least twenty (20) percent of a
- 11 student's final grade in the course.
- 12 4. Beginning with the 2012-2013 academic year, the report shall be submitted to the
- 13 Commissioner of Education on or before December 31.
- 14 (2) Gap shall be reported in next-generation learners as established in this subsection.
- 15 (a) A single gap group called the non-duplicated gap group shall be created. This group shall
- 16 consist of an aggregate, non-duplicated count of students in the following demographic
- 17 categories:
- 18 1. African American;

- 1 2. Hispanic;
- 2 3. American Indian or Native American;
- 3 4. Limited English proficiency;
- 4 5. Students in poverty based on qualification for free or reduced price lunch; and
- 5 6. Students with disabilities that have an Individualized Education Program (IEP).
- 6 (b) 1. For each tested content area, students scoring proficient or higher in the non-duplicated
- 7 gap group shall be summed.
- 8 2. The sum shall yield a single gap number of students [~~proficient or higher~~] with:
- 9 a. No student counting more than one (1) time; and
- 10 b. All students in the included groups counted once.
- 11 3. The individual content area gap percentages shall be averaged for an overall gap percentage.
- 12 (c) The non-duplicated gap group shall have a minimum of ten (10) students per content area in
- 13 the school or district in order to report gap data.
- 14 (d) A maximum total of 500 points shall be awarded for non-duplicated gap calculation. The
- 15 points shall be distributed equally among the content areas tested.
- 16 (f) Reduction of novice student calculation: Annual novice reduction targets shall be calculated.
- 17 Points shall be awarded based on the percentage of the annual goal met in the following
- 18 categories:
- 19 1. African American;
- 20 2. Hispanic;
- 21 3. American Indian or Native American;
- 22 4. Limited English proficiency;

- 1 5. Students in poverty based on qualification for free or reduced price lunch; [and]  
2 6. Students with disabilities that have an Individualized Education Program (IEP); and  
3 7. Non-duplicated gap group.
- 4 (g) The calculations shall be made using the novice reduction in reading and mathematics.  
5 (h) The novice reduction gap groups shall have a minimum of ten (10) students per content area  
6 in the school or district in order to report gap data.
- 7 (i) A maximum of 500 points shall be awarded for the novice reduction calculation. The points  
8 shall be distributed equally between the content areas tested in reading and mathematics.
- 9 (3) Individual student growth shall be reported in next-generation learners as established in this  
10 subsection.
- 11 (a) Individual student growth shall be computed based on points from a student growth percentile  
12 model and a categorical growth model.
- 13 (b) At elementary and middle schools, calculations shall include scores from students with data  
14 from reading assessments across two (2) years and mathematics assessments across two (2)  
15 years.
- 16 (c) At high school, calculations shall include scores from students with data from college  
17 readiness reading and mathematics assessments across two (2) years.
- 18 (d) Student growth percentile calculations: 1. One (1) point shall be awarded for each percent of  
19 students that shows typical or high growth in reading and one (1) point shall be awarded for each  
20 percent of students that shows typical or high growth in mathematics.
- 21 2. Typical yearly growth shall be at or above the fortieth (40<sup>th</sup>) student growth percentile.  
22 3. Points shall not be awarded for students showing lower than typical growth.



(e) For elementary, middle, and high schools, total points shall be 50 [~~100~~] for each content area of reading and mathematics for a total of 100 [~~200~~].

(f) Categorical growth model calculations: 1. Shall use the following formula, the sum of the number of students moving from one performance category to a higher category, and the number of students remaining at proficient and distinguished, divided by the total number of students.

(g) For elementary, middle and high schools, total points shall be fifty (50) for each content area of reading and mathematics for a total of 100.

(4) College-and-career-readiness shall be reported in next-generation learners as established in this subsection.

(a) A readiness percentage for each high school shall be calculated by dividing the number of high school graduates that have successfully met at least one (1) indicator of readiness, as listed in paragraph (b) of this subsection, by the total number of graduates. An individual student shall only be attributed to the calculation one (1) time.

(b) The indicators of readiness shall include the percent of students meeting:

1. The Kentucky Council on Postsecondary Education's System-wide Benchmarks on the ACT in Reading, English and Mathematics established in "College Readiness Indicators", incorporated by reference in 13 KAR 2:020;

2. The Kentucky Council on Postsecondary Education's College Placement Test Benchmarks established in "College Readiness Indicators", incorporated by reference in 13 KAR 2:020; or

3. The career measures as recognized by the Kentucky Board of Education.

(c)1. An individual student shall earn a bonus of one-half (.5) point in the calculation of the readiness percentage if the student met:

- 1 a. Either the:
- 2 (i) System-wide Benchmarks on the ACT in Reading, English and Mathematics as established in
- 3 13 KAR 2:020; or
- 4 (ii) College Placement Test Benchmarks as established in 13 KAR 2:020; and
- 5 b. The career measures as recognized by the Kentucky Board of Education.
- 6 2. The bonus shall not allow the calculation of the readiness percentage for a school or district to
- 7 exceed 100 percent.
- 8 (d) For middle schools, a readiness for college percentage shall be calculated by determining the
- 9 percentage of students who meet the ~~[ACT EXPLORE]~~ benchmarks for reading, English, and
- 10 mathematics on the high school readiness test that is administered in grade eight (8) and that are
- 11 linked statistically to the ACT test [as established by ACT, Inc. based on the data from the
- 12 national administrations of the ACT EXPLORE].
- 13 (e) For middle schools, the percent of students in each tested area of reading, English, and
- 14 mathematics meeting the benchmark score shall be averaged. This value shall be reported as the
- 15 middle school college readiness percentage.
- 16 (5) Graduation rate shall be reported in next-generation learners as established in this subsection.
- 17 (a) The graduation rate shall be computed using the cohort graduation rate [In accordance with
- 18 the requirements in "Briefing Packet: Graduation Rate Data 2010 State Trends", the:
- 19 ~~1. Averaged freshman graduation rate for the years of 2011-2012 and 2012-2013; or~~
- 20 ~~2. The cohort graduation rate beginning with the 2013-2014 year].~~

1 (b) The graduation rate for each school and district shall be reported publicly by the Department  
2 of Education in the next-generation learners component. ~~[Graduation rate data shall be lagged~~  
3 ~~one (1) year for reporting.]~~

4 (6) The total points for next-generation learners shall be awarded as follows:

5 (a) The total number of points earned in each category of achievement, gap, individual student  
6 growth, readiness for college or career, and graduation rate shall be weighted in the following  
7 manner:

Grade Range	Achievement	Gap	Growth	Readiness for College for Career	Graduation Rate	Total
Elementary	33.3 [30]	33.3 [30]	33.3 [40]	n/a	n/a	100
Middle	28	28	28	16	n/a	100
High	20	20	20	20	20	100

8 (b) The total number of points in next-generation learners shall classify schools and districts into  
9 one (1) of three (3) classifications:

- 10 1. Distinguished;  
11 2. Proficient; and  
12 3. Needs improvement.

13 (c) Within each of the three (3) classifications, public reports by the Department shall indicate  
14 the direction in which school and district performance is moving compared to the prior year  
15 report.

(d) In accordance with KRS 158.6455, the Kentucky Board of Education shall amend this administrative regulation or promulgate a new administrative regulation to determine the placement of schools and districts into one (1) of three (3) classifications and the establishment of goals using a standard-setting process utilizing results from the first operational administration of new assessments in 2011-2012. The process shall:

1. Be advised by the National Technical Advisory Panel on Assessment and Accountability; School Curriculum, Assessment and Accountability Council; and the Office of Education Accountability;

2. Use accepted technical procedures and involve Kentucky school and district administrators and teachers; and

3. Be reviewed by the Kentucky Board of Education. Following its review, the Kentucky Board of Education shall approve the final cut scores and goals that determine placement in one (1) of the three (3) classifications by administrative regulation.

(e) If data cannot be calculated for any category of next-generation learners, the weights shall be redistributed using an equal proportion to categories that shall be reported for the school or district.

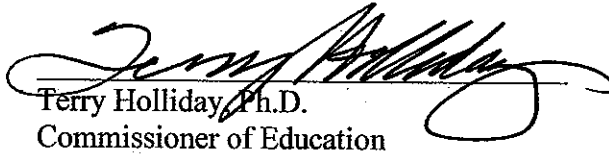
(7)(a) Students enrolled for a full academic year shall be included in the calculations for achievement, gap, individual student growth, and readiness for college or career for a school and district.

(b) Graduation rate calculations shall include both students enrolled and students earning diplomas.

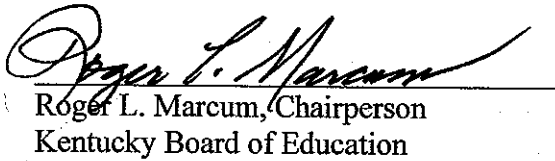
1 ~~[Section 5. Incorporation by Reference. (1) "Briefing Packet: Graduation Rate Data 2010 State~~  
2 ~~Trends", August 2, 2011, is incorporated by reference.~~  
3 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~  
4 ~~the Department of Education, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601,~~  
5 ~~Monday through Friday, 8 a.m. to 4:30 p.m.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

2-13-15  
(Date)

  
Terry Holliday, Ph.D.  
Commissioner of Education

2-13-15  
(Date)

  
Roger L. Marcum, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on March 23, 2015, at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until March 31, 2015. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 703 KAR 5:200

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes state assessment and accountability requirements.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specific details, descriptions, measurements and calculations for establishing the Next-Generation Learners component of the state assessment and accountability system for Kentucky public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details, descriptions, measurements and calculations for establishing the statewide assessment program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment removes references to the ACT Explore assessment that will no longer be available for purchase; adds to the Gap calculation a novice reduction target for individual student subgroups; adds to the Growth calculation a categorical growth formula that recognizes when students move to a higher performance level or remain at Proficient or Distinguished performance levels; and changes the elementary level weights to an equal 33.3% for Achievement, Gap and Growth.

(b) The necessity of the amendment to this administrative regulation: The amendment provides specific improvements to the state assessment and accountability program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability as required by KRS 158.6453.

(c) How the amendment conforms to the content of the authorizing statute: This amendment provides specific details, descriptions, measurements and calculations for establishing the Next-Generation Learners component of the state assessment and accountability system for Kentucky public schools.



(d) How the amendment will assist in the effective administration of the statutes: This amendment provides specific improvements to the state assessment and accountability program created and implemented by the Kentucky Board of Education.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky that have schools with grade 3 or higher and supporting staff in the Kentucky Department of Education.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The amendment will impact schools and districts and the Kentucky Department of Education by providing the detail necessary to implement the state assessment and accountability system.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education, schools and districts shall implement the specific details of the assessment and accountability system.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the schools, districts or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The schools and districts will show continuous improvement as measured by the state assessment and accountability system.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated. State and federal funds to the extent any additional costs are incurred.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:200

Contact Person: Kevin C. Brown

Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453; KRS 158.6455

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Amendment adds no additional costs.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.